



**PUBLIC DEFENDER COMMISSION**

**From The Office Of State Auditor  
Claire McCaskill**

**Report No. 2004-94  
December 17, 2004  
[www.auditor.mo.gov](http://www.auditor.mo.gov)**

# AUDIT REPORT



Office Of The  
State Auditor Of Missouri  
Claire McCaskill

December 2004

**The following problems were discovered as a result of an audit conducted by our office of the Public Defender Commission.**

---

Applications for public defender services were not always completed by clients and the indigency determination was not always supported by commission guidelines. In five cases reviewed, applications for public defender serves were not completed as required by state law. In three applications reviewed, the documented information, such as assets and income, did not appear to support the indigency determination when applying the PDC guidelines.

The OSPD did not request to withdraw from cases when appointed by the court. In seven cases reviewed, public defenders were appointed by the court to represent individuals before applications for services were completed. In two of these cases an application was not completed after the appointment; therefore, a determination of indigency was not performed. Based on the information in the applications for the remaining five cases, these individuals did not appear eligible for public defender services. In January 2004, the OSPD began tracking cases where judges appoint public defenders. In one judicial circuit, OSPD records indicate judges appointed 16 percent of the cases. State law provides that the public defender must first determine eligibility. By not withdrawing from cases appointed by the court for individuals that are not indigent, the OSPD is using state resources to represent clients that are not eligible. This increases the workload that must be handled by each attorney.

During the years ended June 30, 2004, 2003, and 2002, costs of over \$1.4 million, \$1.1 million, and \$800,000, respectively, were recovered from defendants who were represented by public defenders. This resulted in an average recovery of approximately \$16, \$13, and \$10 per case, respectively.

State law requires a lien to be sought in every case where the court system routinely grants them. Liens were not filed or promissory notes sought for 13 of 64 cases reviewed which had been disposed of at the time of our review. Additionally, seven of 48 liens reviewed were filed for an amount different than the fee schedule adopted by the Public Defender Commission (PDC). Failure to seek liens or promissory notes in accordance with the PDC fee schedule results in lost revenue and non-compliance with state law and PDC policy.

Formal written minutes were not prepared for closed session commission meetings and the Commission Chairperson did not sign meeting minutes.

**All reports are available on our website: [www.auditor.mo.gov](http://www.auditor.mo.gov)**

YELLOW SHEET

PUBLIC DEFENDER COMMISSION

TABLE OF CONTENTS

	<u>Page</u>
STATE AUDITOR'S REPORT .....	1-3
MANAGEMENT ADVISORY REPORT - STATE AUDITOR'S FINDINGS.....	4-10
<u>Number</u>	<u>Description</u>
1.	Indigency Determination.....5
2.	Cost Recovery.....8
3.	Commission Meeting Minutes.....9
HISTORY, ORGANIZATION, AND STATISTICAL INFORMATION.....	11-17
<u>Appendix</u>	
A	Comparative Statement of Appropriations and Expenditures Years Ended June 30, 2004, 2003, and 2002 .....15
B	Comparative Statement of Expenditures (from Appropriations) Years Ended June 30, 2004, 2003, 2002, 2001, and 2000 .....16
C	Comparative Statement of Collections for Defender Services – Legal Defense and Defender Fund Years Ended June 30, 2004 and 2003 .....17

## STATE AUDITOR'S REPORT



**CLAIRE C. McCASKILL**  
**Missouri State Auditor**

Public Defender Commission  
and  
J. Marty Robinson, Director  
State Public Defender Commission  
Columbia, MO 65201

We have audited the Public Defender Commission. The scope of this audit included, but was not necessarily limited to, the years ended June 30, 2004, 2003, and 2002. The objectives of this audit were to:

1. Review internal controls over significant management and financial functions.
2. Review compliance with certain legal provisions.
3. Evaluate the economy and efficiency of certain management practices and operations.

Our methodology to accomplish these objectives included reviewing minutes of meetings, written policies, financial records, and other pertinent documents; interviewing various personnel of the commission, as well as certain external parties; and testing selected transactions.

In addition, we obtained an understanding of internal controls significant to the audit objectives and considered whether specific controls have been properly designed and placed in operation. We also performed tests of certain controls to obtain evidence regarding the effectiveness of their design and operation. However, providing an opinion on internal controls was not an objective of our audit and accordingly, we do not express such an opinion.

We also obtained an understanding of legal provisions significant to the audit objectives, and we assessed the risk that illegal acts, including fraud, and violations of contract, grant agreement, or other legal provisions could occur. Based on that risk assessment, we designed and performed procedures to provide reasonable assurance of detecting significant instances of noncompliance with the provisions. However, providing an opinion on compliance with those provisions was not an objective of our audit and accordingly, we do not express such an opinion.

Our audit was conducted in accordance with applicable standards contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and included such procedures as we considered necessary in the circumstances.

The accompanying History, Organization, and Statistical Information is presented for informational purposes. This information was obtained from the commission's management and was not subjected to the procedures applied in the audit of the commission.

The accompanying Management Advisory Report presents our findings arising from our audit of the Public Defender Commission.

A handwritten signature in black ink, reading "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" and last name "McCaskill" clearly distinguishable.

Claire McCaskill  
State Auditor

August 17, 2004 (fieldwork completion date)

The following auditors participated in the preparation of this report:

Director of Audits:	Kenneth W. Kuster, CPA
Audit Manager:	Peggy Schler, CPA
In-Charge Auditor:	Robyn Lamb
Audit Staff:	Marty Carter

MANAGEMENT ADVISORY REPORT -  
STATE AUDITOR'S FINDINGS

PUBLIC DEFENDER COMMISSION  
MANAGEMENT ADVISORY REPORT -  
STATE AUDITOR'S FINDINGS

<b>1.</b>	<b>Indigency Determination</b>
-----------	--------------------------------

Applications for public defender services were not always completed by clients and the indigency determination was not always supported by commission guidelines. The Office of State Public Defender (OSPD) did not request to withdraw from cases when appointed by the court.

A standard application form is to be used to record general and financial information of the potential client and to document the determination of whether the applicant is indigent and qualifies for defense counsel by the OSPD. Guidelines to be considered when making indigency determinations have been established by the Public Defender Commission (PDC) as documented in 18 CSR 10-3.010. The criteria for determination of indigency include maximum income limits according to the federal poverty guidelines, certain debts, amount of bond posted, spouse's and parent's income in certain cases, equity in a home, cash held, and other financial assets available.

We reviewed 79 cases that were opened during fiscal year 2004 for indigency determination procedures. We also reviewed 50 applications for public defender counsel that were denied by the OSPD. We noted the following:

- A. Applications for public defender services were not completed in five cases reviewed. Section 600.086.3, RSMo Cumulative Supp. 2003, provides that all individuals claiming indigency must complete an application.
- B. The documented information, such as assets and income, on three applications reviewed did not appear to support the indigency determination when applying the PDC guidelines.
- C. The OSPD did not request to withdraw from cases when appointed by the court. In 7 cases reviewed, public defenders were appointed by the court to represent individuals before applications for services were completed. In two of the 79 cases reviewed, an application was not completed after the appointment; therefore, a determination of indigency was not performed. According to various court personnel, in five of the 50 denied applications reviewed, the individuals appeared in court without appropriate counsel; therefore, a public defender was appointed. In each of these cases, the clients completed applications after the appointments. Based on the information in the applications and the indigency guidelines, these individuals did not appear eligible for public defender services.

The State Public Defender (SPD) indicated that while the court does not have the authority to appoint public defenders in these circumstances, it is less complicated



to handle another case than to make a motion to withdraw from the appointed case. The SPD stated that attempting to withdraw from a case can be a timely process that may involve filing a writ with the Court of Appeals.

Missouri Court of Appeals decision, *State of Missouri, ex rel., William J. Shaw, Public Defender for the Twenty-First Judicial Circuit v. The Hon. Richard F. Provaznik, Division Sixteen of the Twenty-First Judicial Circuit*, 708 S.W.2d 337 (1986) states:

"Under Section 600.086.3, it is the public defender who must in the first instance determine eligibility within the financial rules of legal representation at public expense. Respondent on the date of the civil contempt hearing declared..... indigent and appointed a public defender as counsel. This action afforded no opportunity for the public defender to perform its statutory duty of determining indigency status. The judiciary is to intervene only upon appeal of the public defender's adverse decision. There is no statutory authority for the direct appointment of a public defender by a trial judge based on indigency."

During our review, we noted correspondence between the OSPD and a Missouri judge who the OSPD indicated routinely appoints the public defender to represent individuals on probationary matters before an indigency determination can be completed. The OSPD informed the judge that the practice of appointing a public defender in these cases does not allow the OSPD to comply with state law and requested the court's assistance in doing so. The SPD indicated they have also addressed this issue with other judges.

In January 2004, the OSPD began tracking cases where judges appoint public defenders. In one judicial circuit, OSPD records indicate there were 914 OSPD cases opened between January 1, 2004 and October 5, 2004, with judges appointing public defenders in 145, or 16 percent, of the cases. The OSPD plans to utilize this information to identify trends in public defender appointments.

By not withdrawing from cases appointed by the court for individuals that are not indigent, the OSPD is using state resources to represent clients that are not eligible. This increases the workload that must be handled by each attorney.

**WE RECOMMEND** the OSPD:

- A. Ensure applications for public defender services are completed for all potential clients.
- B. Ensure that the indigency determination is appropriately determined.
- C. More aggressively pursue legal courses of action when public defender services are inappropriately appointed by the court.

## **AUDITEE'S RESPONSE**

*The State Public Defender stated:*

- A. *"The Office of the State Public Defender (OSPD) agrees that the Application and Affidavit for Public Defender Services form must be completed for each potential client. Our Departmental Policies will be revised to include a section on indigency determination and appropriate documentation. Attorneys will be trained to understand that each client must have a determination of indigency. A probation violation case will be defined in the policy as a separate and distinct case, unless the underlying case is still open. Departmental policies will be revised by January 15, 2005."*
- B. *"Attorneys and staff who receive applications from potential clients will be trained to document their determination of indigency, or non-indigency. The application form will be revised to include the signature of the OSPD employee making the determination. In an effort to save monies, the supply of the current form will be exhausted prior to reprinting."*
- C. *"OSPD agrees that judges are misusing state resources by appointing the Public Defender when the defendant is not indigent, or has not made a proper application for public defender services as required by statute. OSPD agrees with the State Auditor's analysis of Missouri statute and case law, which provide 'no statutory authority for direct appointment of a Public Defender by a trial judge based on indigency'. OSPD agrees these improper appointments increase the workload that must be handled by each public defender attorney."*

*"As stated in the Auditor's findings, in January 2004 OSPD began tracking cases where judges appoint the Public Defender. This database will assist OSPD in identifying judges who improperly appoint the public defender for ineligible defendants. The records and reports generated by this database will be made available to the Executive, Legislative, and Judicial branches of state government, as well as other interested parties. OSPD will continue to challenge this judicial misuse of taxpayer money."*

*"The Public Defender Commission and the Director will continue advising the Missouri Supreme Court and Legislature of the need to encourage Missouri's courts to comply with the statute and Guidelines for the Determination of Indigency issued by the Missouri State Public Defender Commission."*

*"OSPD is currently involved in litigation pursuing judicial compliance, which should bring the added benefit of public and governmental awareness of the problem. Should the problem continue, OSPD will aggressively litigate and challenge future misuse of its resources."*

The OSPD did not file liens or obtain promissory notes (the amount due from the client for representation) for all cases. In addition, when liens were filed or promissory notes sought, they were not always set at the correct amount or entered into the Lien and Recoupment System properly.

During the years ended June 30, 2004, 2003, and 2002, costs of over \$1.4 million, \$1.1 million, and \$800,000, respectively, were recovered from defendants who were represented by public defenders. This resulted in an average recovery of approximately \$16, \$13, and \$10 per case, respectively.

During our review of the OSPD's cost recovery procedures, we noted the following:

- A. Liens were not filed or promissory notes sought for 13 of 64 cases reviewed which had been disposed of at the time of our review. In eight of these cases, the client was being represented on multiple charges and the public defender chose to file a lien on only one charge rather than on all charges brought against the client. In four of the cases, liens were sought in a court that does not routinely grant liens, and in one case, a lien was not sought because an OSPD official indicated minimal representation was performed by the public defender.
- B. Seven of 48 liens reviewed were filed for an amount different than the fee schedule adopted by the PDC. Five liens were incorrect because the OSPD used an outdated fee schedule resulting in charges to the client less than the updated schedule warranted. Two liens were incorrect because the liens filed did not pertain to the type of charges against the clients.

The application form to be completed and signed by each potential client indicates that he or she will be charged a fee for public defender services. Although the form includes a copy of the fee schedule adopted by the PDC, this schedule was not consistently followed.

Section 600.090, RSMo Cumulative Supp. 2003, requires a lien to be sought in every case where the court system routinely grants them. The lien obligates the client to pay a fee as outlined in the fee schedule on the application form. OSPD policy states that a promissory note is to be used in court systems that do not routinely grant lien judgments.

Failure to seek liens or promissory notes in accordance with the PDC fee schedule results in lost revenue and non-compliance with state law and PDC policy. In addition, by not filing liens or obtaining promissory notes for all charges, the OSPD cannot ensure equitable assessment of fees to all clients.

**WE RECOMMEND** the OSPD ensure:

- A. Liens are sought in all cases represented by a public defender in courts that routinely grant them. In addition, in courts where liens are not routinely granted, the OSPD should ensure promissory notes are obtained.
- B. Fees are charged to clients in accordance with the schedule adopted by the PDC.

**AUDITEE'S RESPONSE**

*The State Public Defender stated:*

- A. *"The Office of the State Public Defender agrees that, in accordance with statute, liens must be filed or promissory notes sought in all cases where Public Defender services have been provided. Our Departmental Policies will be revised to include a section on filing liens and seeking promissory notes. Attorneys will be trained to understand that each case must have a lien filed or a promissory note must be sought. The Departmental policies will be revised by January 15, 2005."*
- B. *"The Office of the State Public Defender agrees that clients must be assessed with charges that have been adopted by the Public Defender Commission. OSPD will order smaller quantities of the forms which include the amount of fees. Then, when considering future fee adjustments, fewer out-of-date forms will be in supply. In an effort to save monies, older forms with the prior fees were utilized by local offices until their supply was exhausted."*

<b>3. Commission Meeting Minutes</b>
--------------------------------------

Improvements are needed in the PDC minutes. Formal written minutes are not prepared for closed meetings. In addition, open meeting minutes do not always include sufficient detail regarding reason for moving into closed session and are not signed by the Commission Chairperson.

- A. Formal written minutes are not prepared for closed session commission meetings. Written minutes for closed meetings would result in a better record of commission transactions, proceedings, and decisions, and are necessary to demonstrate compliance with state law.

In addition, effective August 28, 2004, Senate Bills Nos. 1020, 889, & 869, Second Regular Session, 92nd General Assembly, require a journal or minutes of closed meetings of public governmental bodies.

- B. The Commission Chairperson does not sign the commission meeting minutes. At each commission meeting, commissioners review and verbally approve the prior meeting's minutes.

The minutes should be signed by the Commission Chairperson to provide an attestation that the minutes are a correct record of the matters discussed and action taken during the commission meetings.

**WE RECOMMEND** the OSPD ensure minutes are:

- A. Prepared for all closed session meetings.
- B. Signed by the Commission Chairperson.

**AUDITEE'S RESPONSE**

- A. *"Effectively immediately, Public Defender Commission Meeting minutes will be prepared and signed for all closed sessions."*
- B. *"Effective with the March 12, 2004 meeting (approved at the June 2004 meeting), all Public Defender Commission Meeting minutes will be signed by the Commission Chairperson or the next higher officer in attendance."*

HISTORY, ORGANIZATION, AND  
STATISTICAL INFORMATION

## PUBLIC DEFENDER COMMISSION HISTORY, ORGANIZATION, AND STATISTICAL INFORMATION

The Public Defender System was created by authority of Chapter 600, RSMo, enacted by the General Assembly in 1972. The system provided for the establishment of full-time public defender offices in twenty judicial circuits and provided for payment to appointed counsel in the remaining judicial circuits. Appointed by the Appellate Judicial Commission, each public defender was a lawyer whose duty was to assist, offer advice to, and legally represent any individual charged with a felony within his circuit who was financially unable to retain private counsel. In 1973, there were fourteen public defender circuits.

In 1976, the system was amended with the creation of the Public Defender Commission. The commission appointed the full-time public defenders to four-year terms and oversaw a system which provided for the assistance of counsel to persons who were indigent and who were accused of crimes. Defense was to be provided for juvenile and misdemeanor cases as well as felony cases when the offense charged could result in incarceration of the defendant. In 1977, five new public defender circuits were established and a former public defender circuit was abolished. This brought the total number of public defender circuits to eighteen. In the circuits which did not have public defenders, or a conflict existed, the courts appointed one or more members of the private bar to advise, represent, appear on behalf of, or defend indigent persons in all cases and situations where the public defender would have a duty to provide such.

In 1982, the system was again amended with the creation of the Office of State Public Defender as an independent department of the Judicial Branch of state government. Legislation provided that the Public Defender Commission members shall be appointed by the governor with the advice and consent of the Senate with four of the seven members being lawyers. The term of office for each commissioner shall be six years. The Commission appoints a Director of the office for a term of four years to administer and coordinate the operations of the defender services and to be responsible for the overall supervision of all personnel, offices, divisions, and facilities of the system. J. Marty Robinson was named as the current Director on September 1, 1994.

The 1982 legislation further outlined the legal services to be provided to eligible persons entitled to counsel, gave authority to the Commission to issue guidelines for making determinations of indigency of persons requesting counsel, and provided for the collections of costs associated with defending a person, if that person is deemed capable of paying for his defense. The Commission was also allowed to contract with private attorneys to provide defense services in those areas of the state they deemed appropriate, thus eliminating the old system where judges appointed private counsel in those areas of the state where there were no public defenders available.

In August of 1986, Senate Bill 451 created the Legal Defense and Defender Fund. Dollars collected from recoupment and limited cash contributions are to be deposited in this revolving fund for use by the Public Defender Commission for specific, authorized types of expenditures, limited annually to the amount appropriated. Any unexpended balance in the fund at the end of each lapse period exceeding \$150,000 is to be transferred to the state's General Revenue Fund.

In June 1987, there were twenty-three public defender offices providing services to eligible citizens accused of crimes. The remainder of the state was served by contract counsel who provided the same services as staffed public defender offices. As of June 30, 1987, the Public Defender Commission employed 233 people (9 director's office employees and 224 local public defenders and staff). In June 1987, the public defender system of local public defender offices and contract counsel offices provided representation in over 41,000 cases. In December 1988, the appointments of the 23 public defenders expired. The only appointment now made by the Public Defender Commission is that of the Director. All other positions serve at the pleasure of the Director.

In April 1989, the Public Defender Commission received funding to begin a reorganization of the department. The Commission created three legal services divisions within the department: the Capital Division which is responsible for death penalty litigation; the Appellate/PCR Division which is responsible for appellate and post-conviction litigation; and a Trial Division whose district offices are responsive to the trial courts in Missouri's 115 jurisdictions. The contract counsel system was gradually phased out by the end of October 1989 and replaced with public defender offices. There are now a total of thirty-five trial division district offices to serve the forty-five judicial circuits, six appellate/post conviction relief sections and three capital sections. Members of the private bar are used only for cases where a conflict of interest exists. As of June 30, 2004, the State Public Defender system was authorized to employ approximately 560 full-time employees. The Public Defender system opened 88,916 new cases during the year ended June 30, 2004.

Members of the Commission as of June 30, 2004 were:

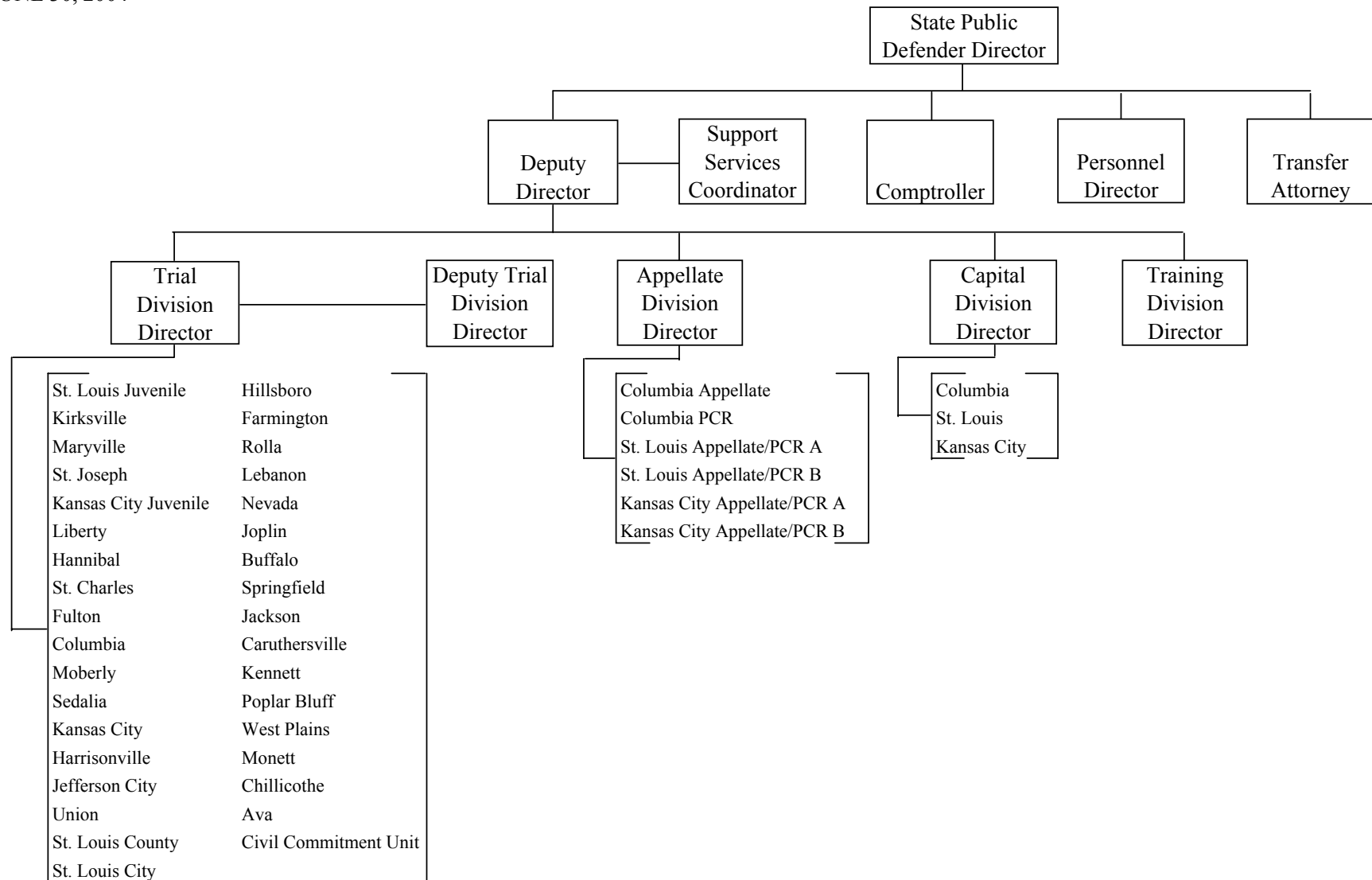
<u>Name</u>	<u>Area of State</u>	<u>Position</u>	<u>Term Expires</u>
Joyce Blades	Springfield	Chair	December 30, 2005
Muriel Brison	Berger	Commissioner	December 30, 2009
Reverend Dr. Willie Ellis	Florissant	Commissioner	December 30, 2009
Kenneth Hensley	Raymore	Commissioner	December 30, 2009
Loramel Shurtleff	Columbia	Commissioner	December 30, 2007
Gary Smith	Lebanon	Commissioner	December 30, 1993 *
Rebecca Stith	St. Louis	Commissioner	December 30, 2007

\* Mr. Smith continues to serve as commissioner until the Governor appoints a replacement.

An organization chart follows.



PUBLIC DEFENDER COMMISSION  
 ORGANIZATION CHART  
 JUNE 30, 2004



Appendix A

PUBLIC DEFENDER COMMISSION  
COMPARATIVE STATEMENT OF APPROPRIATIONS AND EXPENDITURES

	Year Ended June 30,								
	2004			2003			2002		
	Appropriation	Expenditures	Lapsed Balances	Appropriation	Expenditures	Lapsed Balances	Appropriation	Expenditures	Lapsed Balances
GENERAL REVENUE FUND - STATE									
Public Defender Services Personal Service <sup>1</sup>	\$ 21,395,983	21,395,982	1	22,104,233	21,023,772	1,080,461	22,024,481	21,115,337	909,144
Public Defender Services Expense and Equipment <sup>1</sup>	4,156,041	4,155,954	87	5,747,551	5,709,924	37,627	5,724,591	5,349,146	375,445
Extraordinary Expense/Conflict	2,559,850	2,266,932	292,918	2,309,850	2,104,552	205,298	2,059,850	2,039,248	20,602
Total General Revenue Fund - State	28,111,874	27,818,868	293,006	30,161,634	28,838,248	1,323,386	29,808,922	28,503,731	1,305,191
PUBLIC DEFENDER - FEDERAL & OTHER FUND									
Grants	125,000	0	125,000	125,000	0	125,000	125,000	0	125,000
Total Public Defender - Federal & Other Fund	125,000	0	125,000	125,000	0	125,000	125,000	0	125,000
LEGAL DEFENSE AND DEFENDER FUND									
Public Defender Commission Personal Service	58,378	40,087	18,291	57,178	45,453	11,725	57,178	47,189	9,989
Public Defender Commission Expense and Equipment	1,157,356	1,101,101	56,255	1,157,356	1,148,246	9,110	1,157,356	705,245	452,111
Total Legal Defense And Defender Fund	1,215,734	1,141,188	74,546	1,214,534	1,193,699	20,835	1,214,534	752,434	462,100
DEBT OFFSET ESCROW FUND									
Debt Offset Refunds	1,400,000	1,035,604	364,396	1,050,000	810,797	239,203	700,000	412,607	287,393
Total Debt Offset Escrow Fund	1,400,000	1,035,604	364,396	1,050,000	810,797	239,203	700,000	412,607	287,393
Total All Funds	\$ 30,852,608	29,995,660	856,948	32,551,168	30,842,744	1,708,424	31,848,456	29,668,772	2,179,684

<sup>1</sup> In fiscal year 2004, the PDC was allowed full flexibility to transfer excess General Revenue Fund - State Personal Service appropriations to Expense and Equipment. The fiscal year 2004 appropriations presented for Public Defender Services Personal Service and Expense and Equipment include transfers during the fiscal year.

Appendix B

PUBLIC DEFENDER COMMISSION  
COMPARATIVE STATEMENT OF EXPENDITURES (FROM APPROPRIATIONS)

	Year Ended June 30,				
	2004	2003	2002	2001	2000
Salaries and wages	\$ 21,436,068	21,069,226	21,162,526	20,346,161	19,598,468
Travel, in-state	1,037,373	1,060,750	1,210,073	1,063,186	1,001,372
Travel, out-of-state	53,612	141,681	183,984	231,900	229,201
Fuel and utilities	45,320	36,654	40,223	34,734	37,667
Supplies	424,604	530,788	439,926	0	0
Administrative supplies	0	0	0	416,974	407,866
Lab and medical supplies	0	0	0	10	0
Merchandising supplies	0	0	0	0	81
Repair, maintenance, and usage supplies	0	0	0	15,319	15,122
Residential supplies	0	0	0	816	1,662
Specific use supplies	0	0	0	826	874
Professional development	91,773	145,208	166,245	158,725	157,624
Communication service and supplies	404,570	556,160	568,447	472,687	662,414
Health services	0	0	0	10,803	24,137
Business services	0	0	0	127,538	153,558
Professional services	2,827,499	3,363,575	3,223,525	2,784,287	3,033,527
Housekeeping and janitorial services	78,069	76,333	57,335	50,245	54,038
Maintenance and repair services	486,664	204,984	195,727	0	0
Equipment maintenance and repair services	0	0	0	185,795	183,343
Transportation maintenance and repair services	0	0	0	8,061	3,101
Computer equipment	1,084,553	1,318,803	544,210	875,837	1,032,610
Educational equipment	0	0	0	495	0
Electronic and photographic equipment	0	0	0	31,251	15,694
Motorized equipment	7,227	0	13,271	10,839	0
Office equipment	178,747	555,024	537,999	427,131	402,562
Other equipment	71,996	91,415	117,036	0	0
Specific use equipment	0	0	0	869	347
Property and improvements	0	0	0	0	1,983
Building lease payments	595,027	557,063	590,227	543,460	511,373
Equipment rental and leases	15,723	159,782	28,214	0	0
Equipment lease payments	0	0	0	0	385
Building and equipment rentals	0	0	0	11,576	18,538
Miscellaneous expenses	95,226	133,323	164,500	223,410	169,412
Refunds	1,061,609	841,975	425,304	616,457	600,537
Total Expenditures	\$ 29,995,660	30,842,744	29,668,772	28,649,392	28,317,496

Note: Certain classifications of expenditures changed during the five-year period, which may affect the comparability of the amounts.

## Appendix C

### PUBLIC DEFENDER COMMISSION COMPARATIVE STATEMENT OF COLLECTIONS FOR DEFENDER SERVICES - LEGAL DEFENSE AND DEFENDER FUND

	Year Ended June 30,			
	2004		2003	
	Total Collections	Percentage of Total Collection	Total Collections	Percentage of Total Collection
Clients	\$ 79,361	5.5%	73,358	6.4%
Circuit Clerks	370,180	25.4%	274,615	24.0%
Debt Offset Intercept Program	1,005,208	69.1%	794,983	69.6%
Total Collections	\$ 1,454,749	100.0%	1,142,956	100.0%

Note: The collection of public defender fees from clients can be remitted in three ways. Clients can voluntarily remit payment of their fees directly to the Office of State Public Defender (OSPD) or, in some counties, remit payment to the Circuit Clerk. When clients do not voluntarily remit payments and owe over \$25, the OSPD notifies the Department of Revenue of the debts. In the event a client is to receive an income tax refund from the State of Missouri, the refund may be intercepted to satisfy the debt to the OSPD. As shown above, the OSPD receives the majority of client collections through the debt offset intercept program. This level of detail for collections was only available for fiscal years 2004 and 2003.